

IN RE: PETITION FOR ZONING VARIANCE *
W/S Falls Road, 145' NW c/l
Lake Avenue *
(6083 Falls Road) *
9th Election District *
4th Councilmanic District *
Provident Nat'l Bank *
(Wawa Food) *
PETITIONER *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 89-90A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 232.1, 303.2 to allow a front yard setback of 10 feet in lieu of 32 feet; Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibits 4, and 12.

The Petitioner was represented by C. Michael Magruder, Esquire. Mr. David A. Dawson, Mr. William P. Monk, Ms. S. S. Buscher and Ms. Rose Andrews appeared and testified on behalf of the Petitioner. Dr. Edward Davens, Louise M. Schulz, Ms. Sarah F.W. Lord and Mr. and Mrs. Roy C. Parsons appeared and testified as Protestants. The Friends of the Robert E. Lee Memorial Park issued a letter in opposition dated September 20, 1988 and the Pleasant View Civic Association issued a letter in opposition on September 22, 1988.

The facts and evidence tend to indicate that the subject property is zoned B.L.-C.N.S. The property is currently improved with a Wawa Food Store containing approximately 2,162 sq. ft., as shown on the Petitioner's Exhibit 4. The lot is approximately .485 acres of ground and is serviced by public water and sewerage. The proposed addition

is to be placed on the western side of the building, which technically is the front side of the building. The front entrance of the store faces the parking lot instead of Falls Road and, therefore, the street side has no doors or windows. The proposed addition is to expand the available facilities and operation of the current Wawa Food Store. This will allow this operation to be more competitive with similar convenience operations in the area.

The Petitioners' witnesses testified extensively as to the need to expand this store's operation. They say expansion is needed to provide the services normally associated with a Wawa store. The expansion will also provide additional cold storage area and space for the rearrangement of the interior retail space.

The expansion can only take place if the requested variances are granted. The parking lot is improperly designed, at present, and the new layout will allow for better use of the parking spaces. The addition to the building cannot, according to the Petitioner, take place anywhere else on the subject site. The Petitioner claims that they will be forced to relocate if they cannot expand this site. They also claim they will provide additional landscaping as required by the Office of Current Planning. They claim the area along Falls Road directly in front of the subject site will be posted for "No Parking" to stop the truck parking.

The Protestants testified that they are in opposition to the entire commercial operation at this site. They believe the current Wawa operation is a nuisance to the neighborhood. That Wawa is one of the largest reasons for trash and disturbance problems in the neighborhood. They find the building and its facilities very

unattractive and the type of truck traffic that patronizes the facility very unacceptable. The Protestants are also concerned about the possible changes in the area caused by the light rail proposal. They say they believe no commercial building should be allowed to be constructed as close to the right-of-way as is requested by this proposed variance. They object strenuously to the design and aesthetic look of the proposed store. They would like to have the entire project screened to be more conducive with the natural environment in the Robert E. Lee Memorial Park and to protect the residential area.

The Protestants provided extensive testimony concerning the traffic problems created at the intersection of Falls Road and Lake Avenue by the continuing use of the street right-of-way for parking by patrons to the Wawa Food Store. There was testimony concerning the inability of residents to exit or enter Lake Avenue because of large dump trucks parked along Falls Road and in front of the entrance to Lake Avenue. The Protestants also believe the subject site is one of the uses responsible for the current congestion on Falls Road.

I understand the Protestants do not like the Wawa Food Store or the heavy traffic congestion, they believe, it causes. They do not believe this is a good location for a convenience store. The Protestants really want the store closed and a different use made of the land. I do not have the power to rezone this land; nor, would I agree to force the closing of this convenience store. The Baltimore County Council places the zoning on the land and establishes the uses in each zone. I will not substitute my opinion for that of the Council in the zoning process.

The issue here is whether the variances requested are proper in light of the established case law. The role of the Zoning Commissioner in this case is to determine if the variance should be granted. The convenience store has a legal right to exist in the B.L. zone. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 298 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations

for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "(t)he standard for granting a variance... is... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

The requested use on the subject site is consistent with the B.C.Z.R. and has proven to be a use that can operate on the subject site successfully. There are certain concerns raised by the Protestants which can properly be addressed by restrictive conditions as set forth later in this opinion. These will control the negative consequences upon the community to the degree permitted by Maryland law.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County this 26th day of October, 1988, that a zoning variance from Section 232.1, 303.2 to allow a front yard setback of 10 feet in lieu of 32 feet; Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet, as more particularly described on Petitioner's Exhibits 4 and 12 be and the same is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
4. The Petitioner shall provide additional landscaping along the Falls Road side of the lot and along the property line adjoining the Robert E. Lee Memorial Park. This additional landscaping shall be developed on a landscape plan approved by Baltimore County Landscape Planner, Office of Current Planning and submitted to the Zoning Commissioner for final approval on or before January 15, 1989.

5. The Petitioner shall develop a building exterior plan which shall incorporate the stone construction and aesthetic desires of the Protestants. The Petitioner shall submit said plan to the Zoning Commissioner for approval on or before January 15, 1989.

6. The Petitioner shall provide the dedication to the State of Maryland for road construction as shown on Petitioner's Exhibit 7.

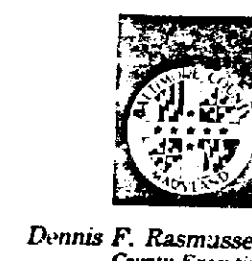
7. The Petitioner shall show the location of the dumpster on the site plans. The dumpster must be well screened.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmm
cc: Peoples Counsel
Mr. David A. Dawson, 4117 Joppa Road, Baltimore, Md. 21236
Ms. S. Buscher, 405 Pembroke Blvd. Baltimore, Md. 21224
Ms. Rose Andrews, 9 Riverside Drive, Baltimore, Md. 21221
Dr. Edward Davens, 6141 Barroll Road, Baltimore, Md. 21209
Mrs. Louise M. Schulz, 7820 Ballston Road, Towson, Md. 21204
Ms. Sarah F.W. Lord, 6219 Falls Road, Baltimore, Md. 21209
Mr. and Mrs. Roy C. Parsons, 1212 Lake Falls Road, Baltimore, Md. 21210

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3303
J. Robert Haines
Zoning Commissioner

October 26, 1988



Dennis F. Rasmussen
County Executive

C. Michael Magruder, Esquire
William P. Monk, Esquire
Suite 204A Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 89-90A
Provident National Bank (Wawa Food Store)

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
Mr. David A. Dawson, 4117 Joppa Road, Baltimore, Md. 21236
Ms. S. Buscher, 405 Pembroke Blvd. Baltimore, Md. 21224
Ms. Rose Andrews, 9 Riverside Drive, Baltimore, Md. 21221
Dr. Edward Davens, 6141 Barroll Road, Baltimore, Md. 21209
Mrs. Louise M. Schulz, 7820 Ballston Road, Towson, Md. 21204
Ms. Sarah F.W. Lord, 6219 Falls Road, Baltimore, Md. 21209
Mr. and Mrs. Roy C. Parsons, 1212 Lake Falls Road, Baltimore, Md. 21210

NOTES:

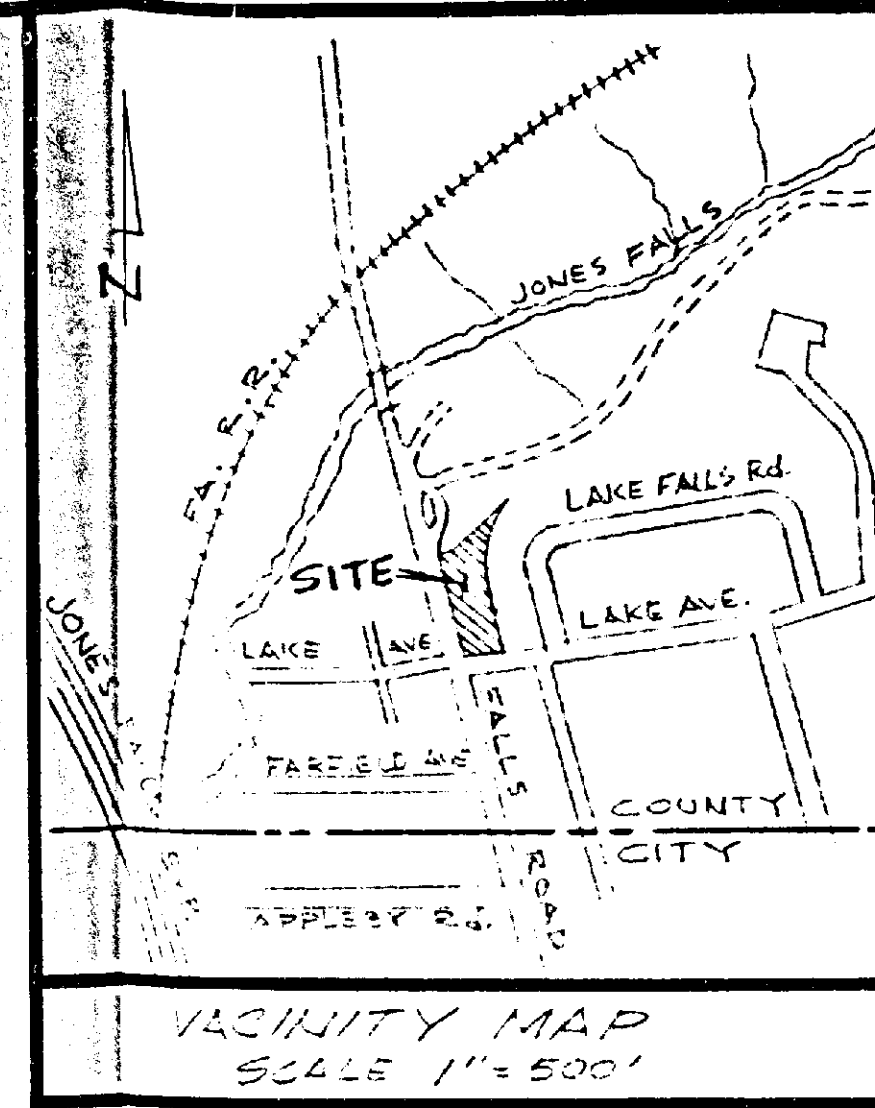
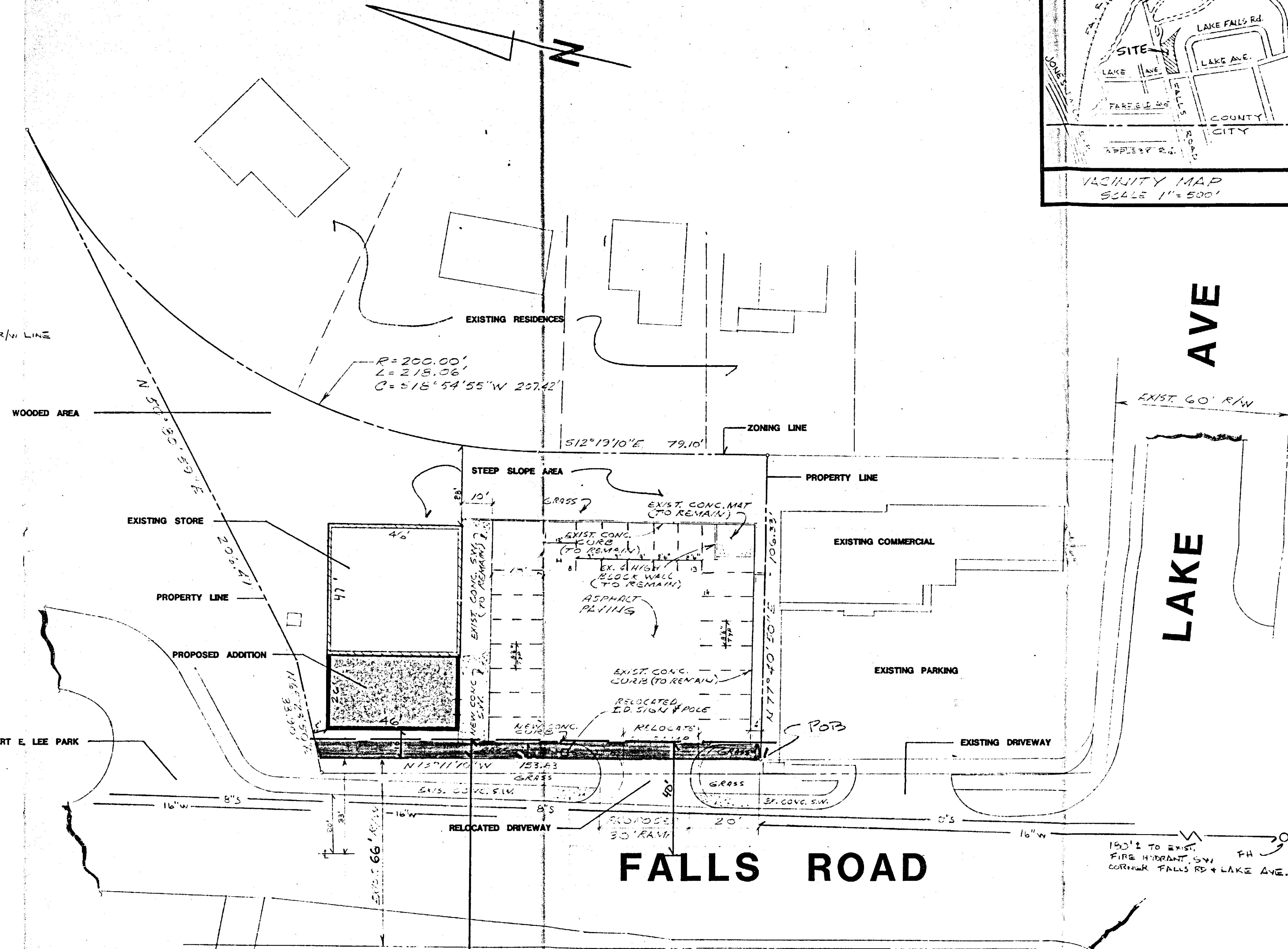
1. ZONING: EXISTING - PL-CNS
PROPOSED - (NO CHANGE)
2. LOT AREA: 485A (21,137 sq ft)
3. EXISTING USE: WAWA FOOD STORE
4. PROPOSED USE: (NO CHANGE)
5. BLDG AREA: EXISTING 2162 sq ft, ADDITION 1,196 sq ft
TOTAL = 3358 sq ft
6. BLDG SETBACKS:

	REQUIRED	PROVIDED
FRONT	32'	10'
INTERIOR SIDE	10'	5'
REAR	20'	28'
STREET CORNER	NA	NA
7. PARKING:

	REQUIRED	PROVIDED
REQUIRED	5/1000 sq ft = 17 SPACES	
PROVIDED		20 SPACES

8. UTILITIES:
 - SEWER - PUBLIC
 - WATER - PUBLIC
9. VARIANCES: FRONT + INTERIOR SIDE YARD
PARKING SPACES TO BE LOCATED WITHIN OF THE STREET R/W LINE
10. SPECIAL EXCEPTION/CONDITIONAL USE: NONE
11. ELECTION DISTRICT: 7TH
12. COUNCILMANIC DISTRICT: 4TH
13. SUBSEQUENT AREA: 54
14. WATERED AREA: 23
15. SENSOR TRACT: 47501
16. OPEN SPACE:

	EXISTING	PROPOSED
EXISTING	47.6% (10,480 sq ft)	
PROPOSED		47.7% (10,457 sq ft)



PLAT TO ACCOMPANY VARIANCE APPLICATION

WAWA FOOD STORE
6083 FALLS ROAD
BALTIMORE COUNTY, MARYLAND

PREPARED BY:
WILLIAM P. MONK
LAND USE PLANNING AND ZONING CONSULTANT
LOYOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVENUE
SUITE 204A
TOWSON, MARYLAND 21204

PREPARED FOR:
WAWA, INC.
4117 JOPPA ROAD
BALTIMORE, MARYLAND 21236

SCALE: 1" = 20'
DRAWN BY: WPM
DATE: 6-21-83
REV: 1

EXHIBIT 2
PETITIONER'S
EXHIBIT 2



EXHIBIT 12

**PETITIONER'S
EXHIBIT 12**



**PETITIONER'S
EXHIBIT 12**

LynchMartinez

5 EAST GERMANTOWN PIKE
PLYMOUTH MEETING PA 19462

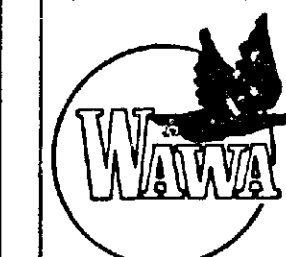
ARCHITECTS

FLOOR PLAN

WAWA FOOD MARKET

JOB NO.:	885
SCALE:	1/4"=1'-0"
PRG. BY:	DM
DATE:	15 SEP 80
REVISED:	

STORE NO.
528
BALTIMORE, MD



—

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.1.303.2 (and Zoning Policy Manual Section 5-2 (b) 2) to allow a front yard setback of 10 feet in lieu of 32 feet, Section 232.2(b) side yard of 5 feet in lieu of 10 feet and Section 409.8(a)4 to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet.

The proposed addition to the building necessitates the variance(s) (both front and side) which will grant relief without substantial injury to public health, safety and general welfare due to the fact that the site abuts parking and no commercial buildings or dwellings are in the immediate proximity to the site. The landscape area variance is the minimum relief needed to provide for a prudent, safe parking layout.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)

Signature: _____ By: _____
Signature (Type or Print Name)

Address: _____
City and State: _____

Attorney for Petitioner: _____
(Type or Print Name)
Address: _____
City and State: _____

Attorney's Telephone No.: (301) 583-2300

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County, in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1988, at _____ o'clock _____ a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING - MON. THURS. (MID. - NEXT TWO HOURS) (over)
ALL OTHERS - DATE 6-30-88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 2, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-00-A
15 Falls Road, 145' N c/l Lake Avenue
(5083 Falls Road)
9th Election District - 4th Councilmanic
Petitioner(s): Provident National Bank (Nava Food)
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m.

Variance to allow a front yard setback of 10 feet in lieu of 32 feet to allow a side yard of 5 feet in lieu of 10 feet; and to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Francis J. Furey
William P. Monk
File

ZONING DESCRIPTION

BEGINNING on the west side of Falls Road, 66 feet wide, at a distance 145.00 feet north of the center line of Lake Avenue and running on the west side of Falls Road the following courses and distances:

1. North 13 degrees 11 minutes 10 seconds west 153.83 feet;
2. North 65 degrees 23 minutes 50 seconds east 33.90 feet;
3. North 50 degrees 80 minutes 59 seconds east 206.47 feet;
4. R= 200.00 feet, L= 216.06 feet CHD= south 18 degrees 54 minutes 55 seconds west 207.42 feet;
5. South 12 degrees 19 minutes 10 seconds east 79.10 feet;
6. North 77 degrees 40 minutes 50 seconds east 106.33 feet to the place of beginning, containing 21,137 square feet in the 9th Election District.

Property known as 6083 Falls Road

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 24, 1988

J. Robert Haines
Zoning Commissioner of Baltimore County

S. Zate-Orlin
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 25, 1988

S. Zate-Orlin
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-00-A
15 Falls Road, 145' N c/l Lake Avenue
(5083 Falls Road)
9th Election District - 4th Councilmanic
Petitioner(s): Provident National Bank (Nava Food)
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m.

Variance to allow a front yard setback of 10 feet in lieu of 32 feet to allow a side yard of 5 feet in lieu of 10 feet; and to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

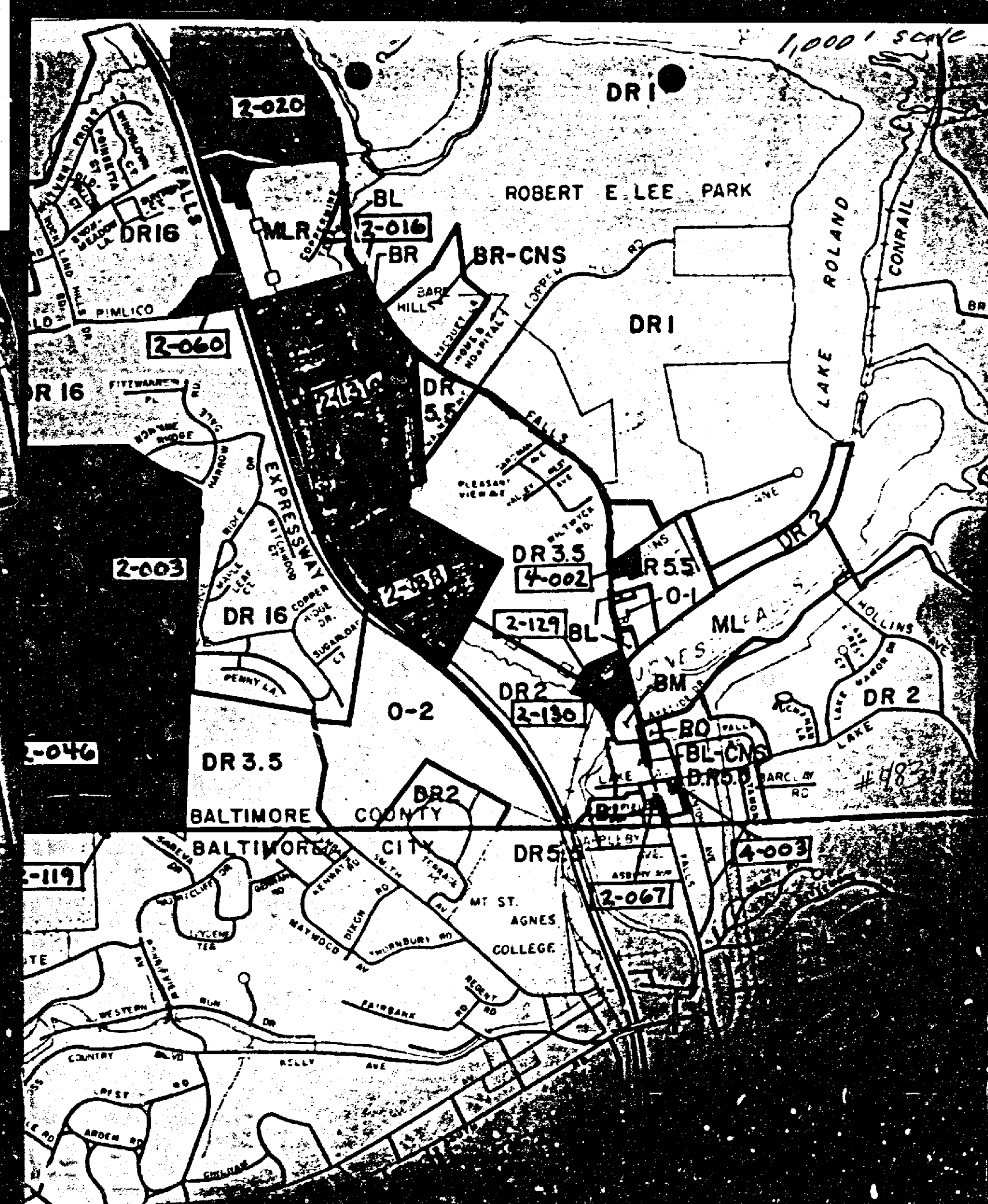
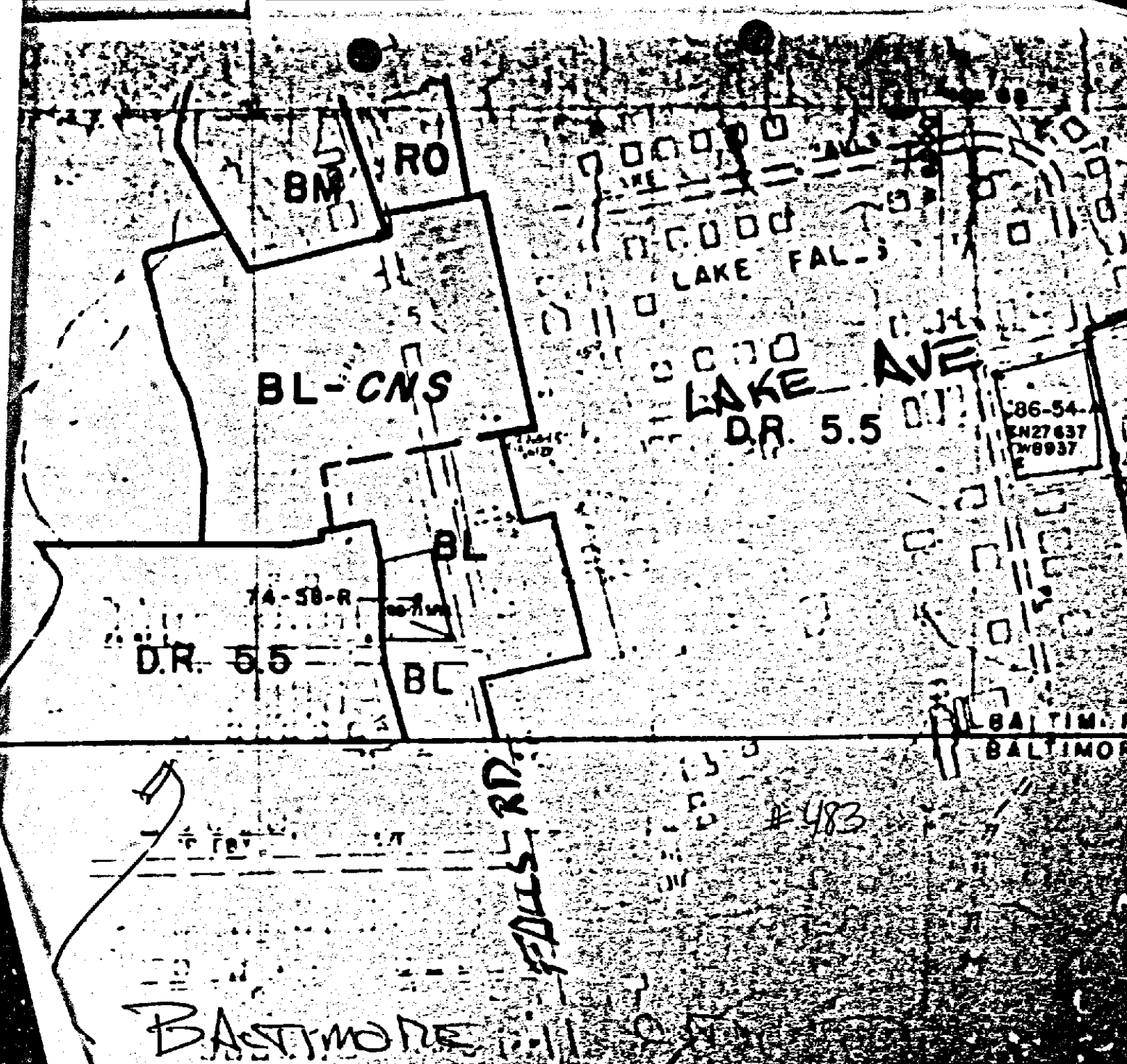
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-00-A
15 Falls Road, 145' N c/l Lake Avenue
(5083 Falls Road)
9th Election District - 4th Councilmanic
Petitioner(s): Provident National Bank (Nava Food)
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m.

Variance to allow a front yard setback of 10 feet in lieu of 32 feet to allow a side yard of 5 feet in lieu of 10 feet; and to allow parking spaces 5 feet from the street property line in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 9/15/88

Mr. William P. Monk
Loyola Federal Building, Suite 204-A
22 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 88-00-A
15 Falls Road, 145' N c/l Lake Avenue
(5083 Falls Road)
9th Election District - 4th Councilmanic
Petitioner(s): Provident National Bank (Nava Food)
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 10:00 a.m.

Dear Mr. Monk:

Please be advised that \$120.05 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND No. 059122
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 9/22/88 ACCOUNT: 8-01-015-00
AMOUNT: \$ 120.05

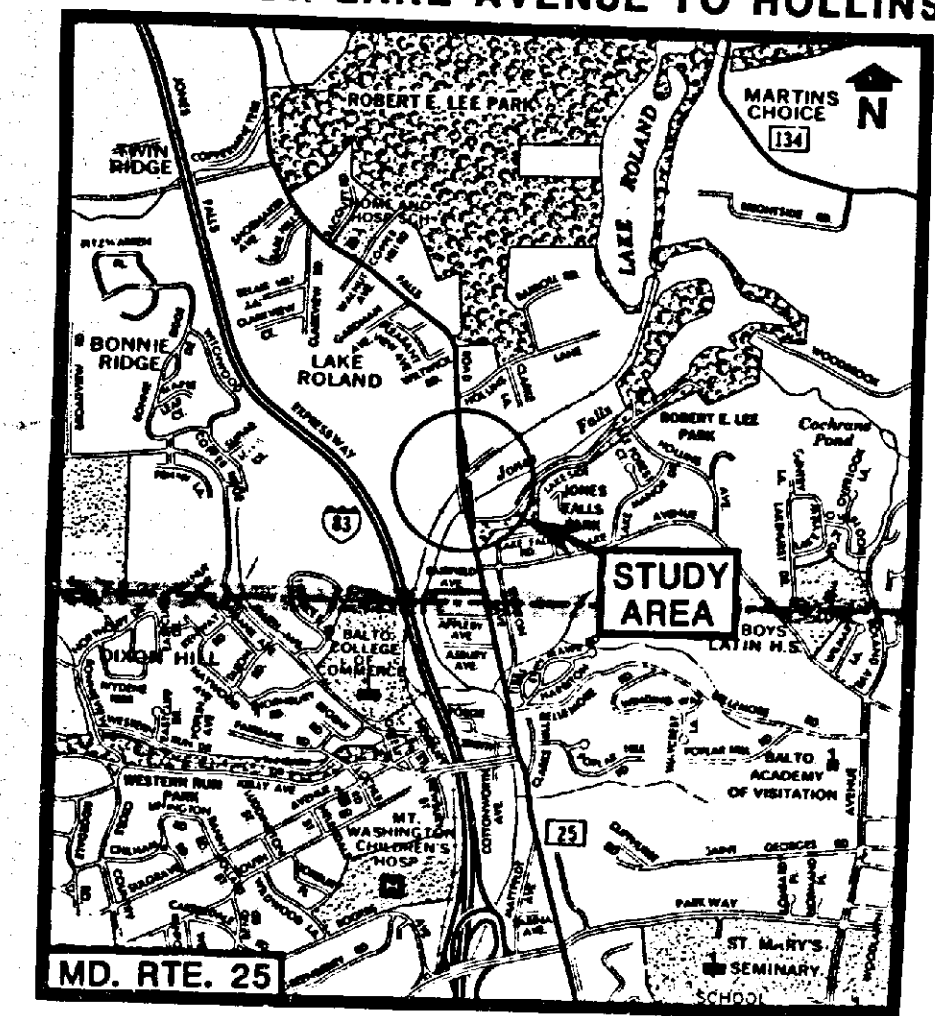
RECEIVED FROM: Nava Food
FOR: Posting & Signs 9/22/88 Hearing

8 023 ***** 120089-90-A

VALIDATION OR SIGNATURE OF CASHIER

JRH:gs
cc: File

COMBINED LOCATION/DESIGN PUBLIC HEARING MD. RTE. 25 (FALLS ROAD) BRIDGE REPLACEMENT FROM SOUTH OF LAKE AVENUE TO HOLLINS LANE



JUNE 17, 1988

HEARING SITE
SUMMIT PARK ELEMENTARY SCHOOL
6920 DIANA ROAD
BALTIMORE, MARYLAND

STATE PROJECT NO. E 803-101-471 P.D.M.S. REF. NO. 033287

PETITIONER'S
EXHIBIT

Pleasant View Civic Association
Mrs. William L. Brown, Vice-President
6209 Pleasant View Avenue
Baltimore, Maryland 21209

September 22, 1988

To the Zoning Commissioner of Baltimore County:

The Pleasant View Civic Association is opposed to the granting of a variance to WAWA, in the 6000 block of Falls Road, to expand its facility. Our eastern boundary is the 6200 block of Falls Road. Pleasant View in cooperation with Buxton-Ridewood, Lake Roland, Bare Hills, and the Friends of the Robert E. Lee Memorial Park has been working hard to maintain the residential character of Falls Road. Last year, we successfully protested a variance for the building of a Day Care Center in our area. Any variance will be a step toward commercializing our community.

However, if the WAWA company is granted its request, we will expect the company to fulfill the five stipulations, which WAWA has indicated to Louise Schulz of A.H.-L.H.A. its agreement with the neighborhood. We will hold the county accountable for a close inspection of the guaranteed "improvements". We thank you for your cooperation.

Valerie M. Brown

FRIENDS OF THE ROBERT E. LEE MEMORIAL PARK
912 Rolandvue Road, Baltimore, Maryland 21204
801-837-8657

20 September 1988

Mr. J. Robert Haines
Zoning Commissioner, Baltimore County
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Variance #89-90-A
Hearing date: Thursday, September 22
10 A.M.

Dear Mr. Haines:

The Friends of the Robert E. Lee Memorial Park is a non-profit community organization of approximately 350 families. Its goal is to work closely with the city in maintaining the park's six hundred acres.

As co-chairmen, we would like to register our opposition to Variance #89-90-A for the following reasons:

1. The county code of required setbacks has been designed to satisfy responsible planning. We do not see sufficient cause to set aside an established and respected code.
2. The park entrance abuts the lot in question and the projected addition will be visually offensive.
3. Expansion of any commercial usage in this area has the potential directly or indirectly to increase traffic. The intersection of Lake Avenue and Falls Road is one of the most hazardous in the county. In addition, any increase in traffic increases the hazard to park visitors entering and leaving on Lakeside Drive.

We appreciate the meeting which Wawa officials held with community representatives on September 15th. They expressed a sincere interest in addressing the issues of concern. We hope that in the future, we will be able to work with them to resolve these issues. In the meantime, our opposition to this request should be viewed as constructive and consistent with our goals. Preserving the unique character of Falls Road is of great importance to the park and its surrounding community.

Mr. J. Robert Haines
Zoning Commissioner, Baltimore County
20 September 1988
Page two

Thank you very much for your attention to this issue.

Sincerely,

Louise H. Hildreth
Mrs. Arthur M. Hildreth

James Lawrence III
Mrs. James Lawrence III

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-90-A

District: 9-A Date of Posting: September 9, 1988
Posted for: Variance
Petitioner: Provident National Bank (Wawa Food)
Location of property: E. S. Falls Road, 145' N. of Lake Avenue
(W. S. Falls Road)
Location of Sign: East side of Falls Road in front of subject
property
Remarks: _____ Date of return: September 9, 1988
Posted by: S. J. Brata
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: August 31, 1988
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
WAWA Store - Falls Road
SUBJECT: Zoning Petition No. 89-90-A

The applicant is requesting variances to allow for the expansion (55% increase) of an existing convenience store. Based upon the site plan submitted, staff provides the following information:

- The parking lot layout is inefficiently designed. The northwest corner of the site shows an 18 foot by 18 foot paved area that should be impervious and landscaped. The removal of one parking space along the eastern side of the tract would allow for the provision of the 12 foot buffer area along the southern portion of the tract.
- Landscaping around the entire site should be significantly upgraded and expanded.
- The location and provision of trash removal via the use of dumpsters is not shown on the site plan. Any dumpsters should be easily accessible and well screened.
- The surrounding community has expressed concern regarding patrons parking on Falls Road while patronizing the site. The applicant is providing 20 spaces versus 17 spaces required. If the parking area is reduced by one space, the applicant will be providing two additional spaces. The placement of no parking street signage may alleviate the parking problem on Falls Road.

If the applicant revises the site plan and addresses the concerns stated, staff is in support of the requested variances.

PK/sf

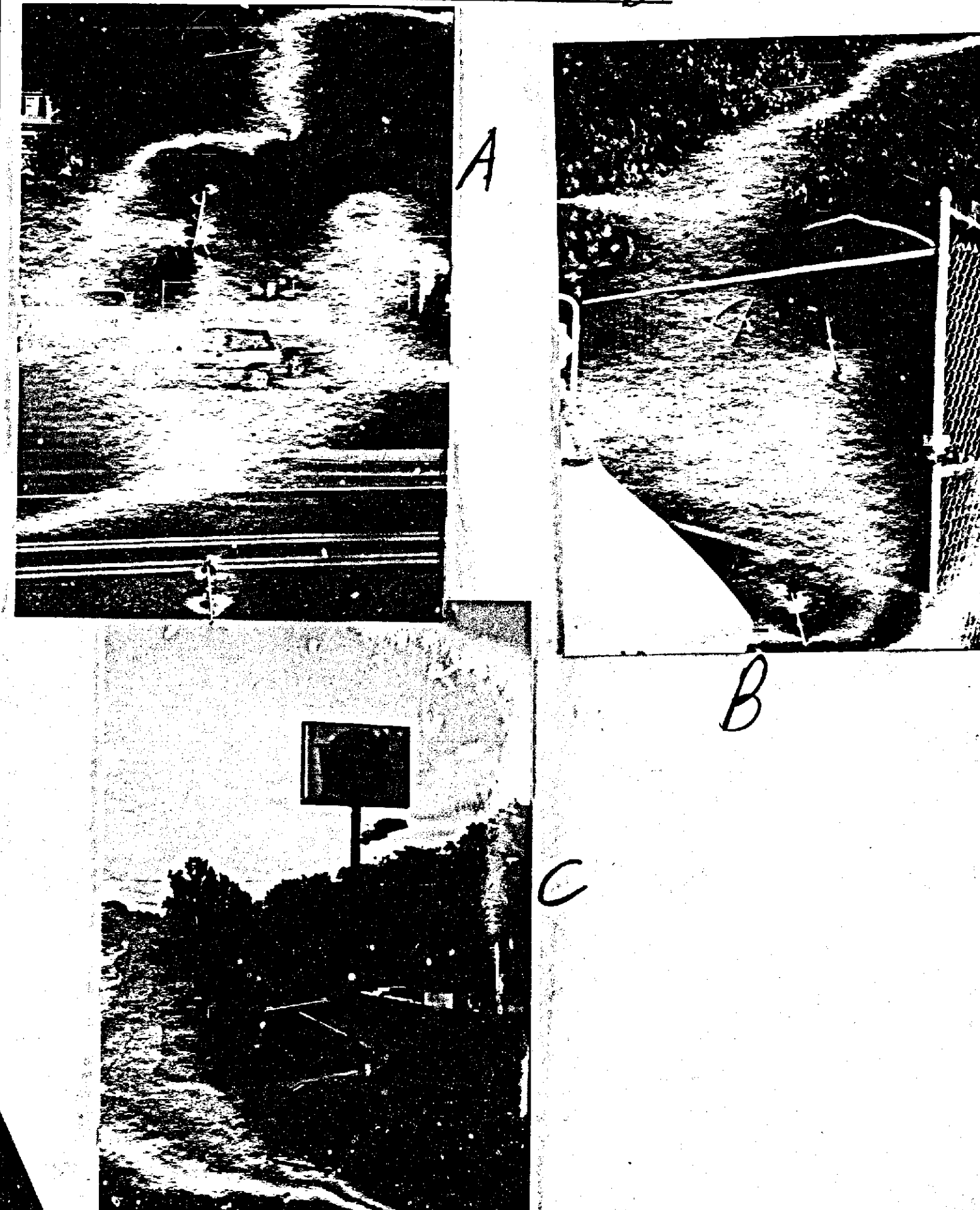
cc: Mr. William P. Monk
9-8-88/jf

CPS-008

PETITIONER(S) EXHIBIT (13)



PETITIONER(S) EXHIBIT (6)



PETITIONER(S) EXHIBIT (5)



PETITIONER(S) EXHIBIT (5)



C



D



E

PETITIONER(S) EXHIBIT (3)

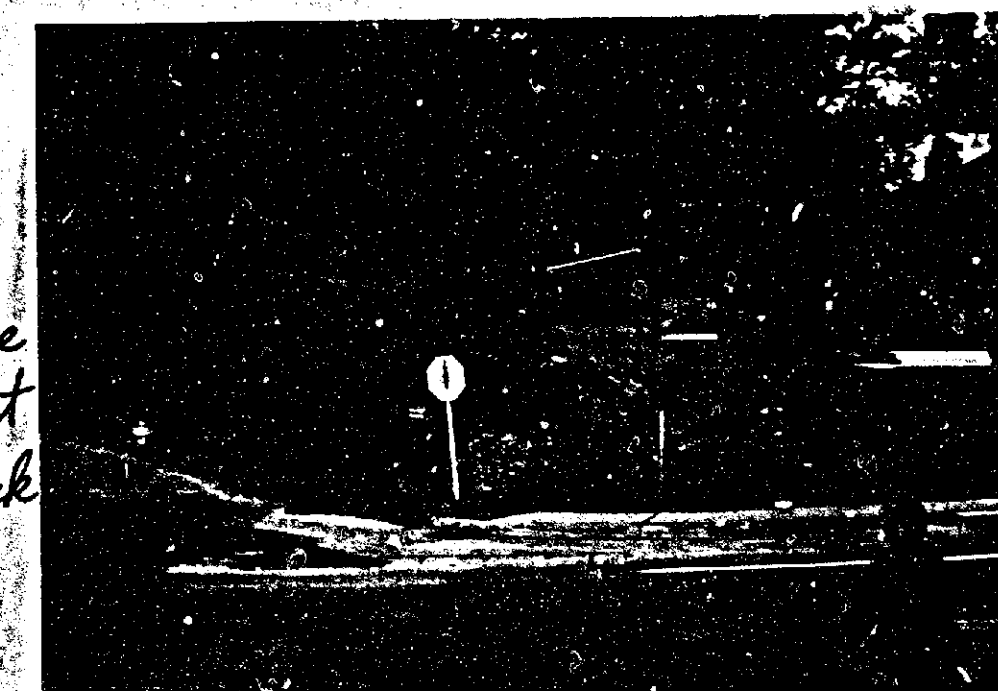


A



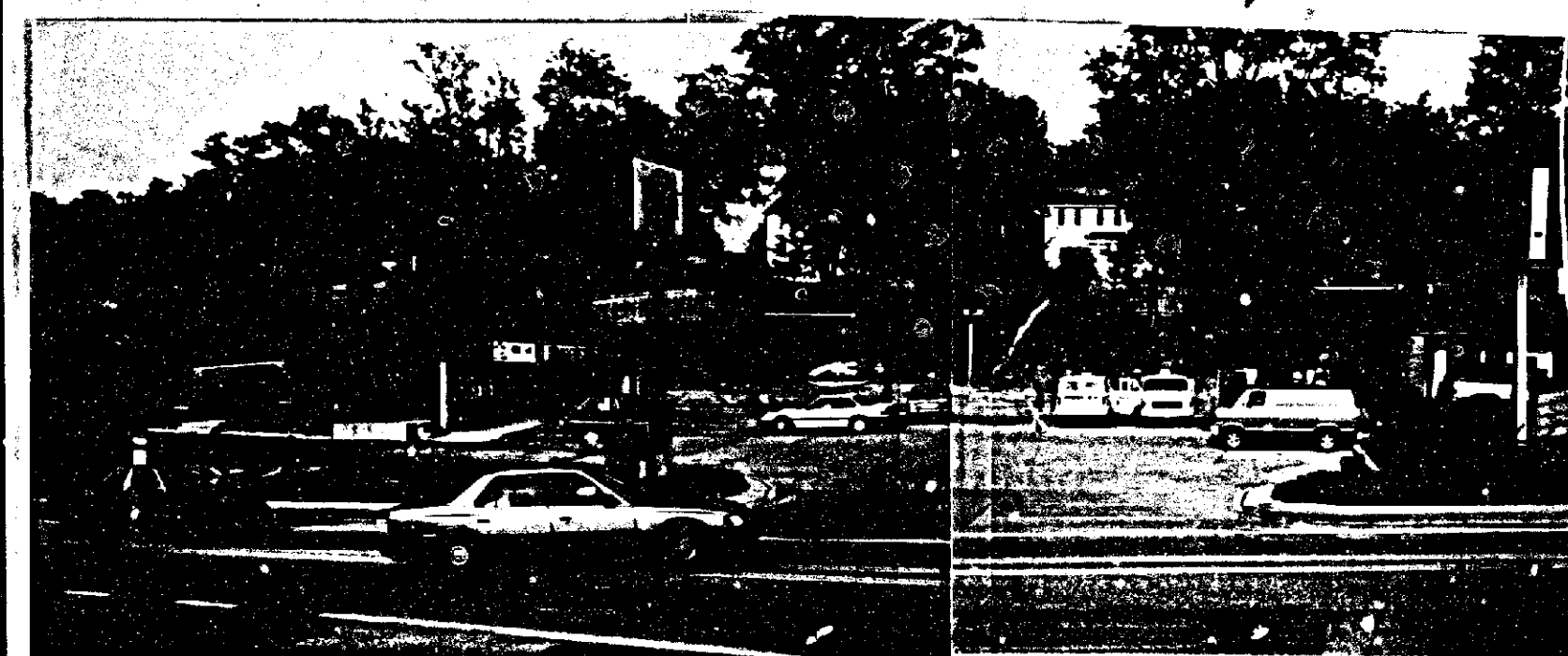
B

PETITIONER(S) EXHIBIT (3)



C

Entrance
to Robert
See Park



D

4-7-72

89-90A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Dr. EDWARD DAVENS	6141 BARROLL ROAD 21209
LOUISE M. SCHULTZ	7820 BALLSTON RD 21204
SARAH F.W. LORD	6219 Falls Rd 21209
ELLEN O. PARSONS	1212 LAKE FALLS RD. 21210
ROY C. PARSONS	1212 LAKE FALLS RD 21210

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID A. DAWSON, WADA, Inc.	4117 Joppa Rd. BALT., Md. 21226
WILLIAM P. HONK	22 W. PA. AVE. JOHNSON, MD 21204
C. MICHAEL MAGRUDER	" " " " " "
S. Buscher	405 Pembroke Blvd. 21224
Roe Andrews	9 RIVERSIDE DR. BALT. 21221

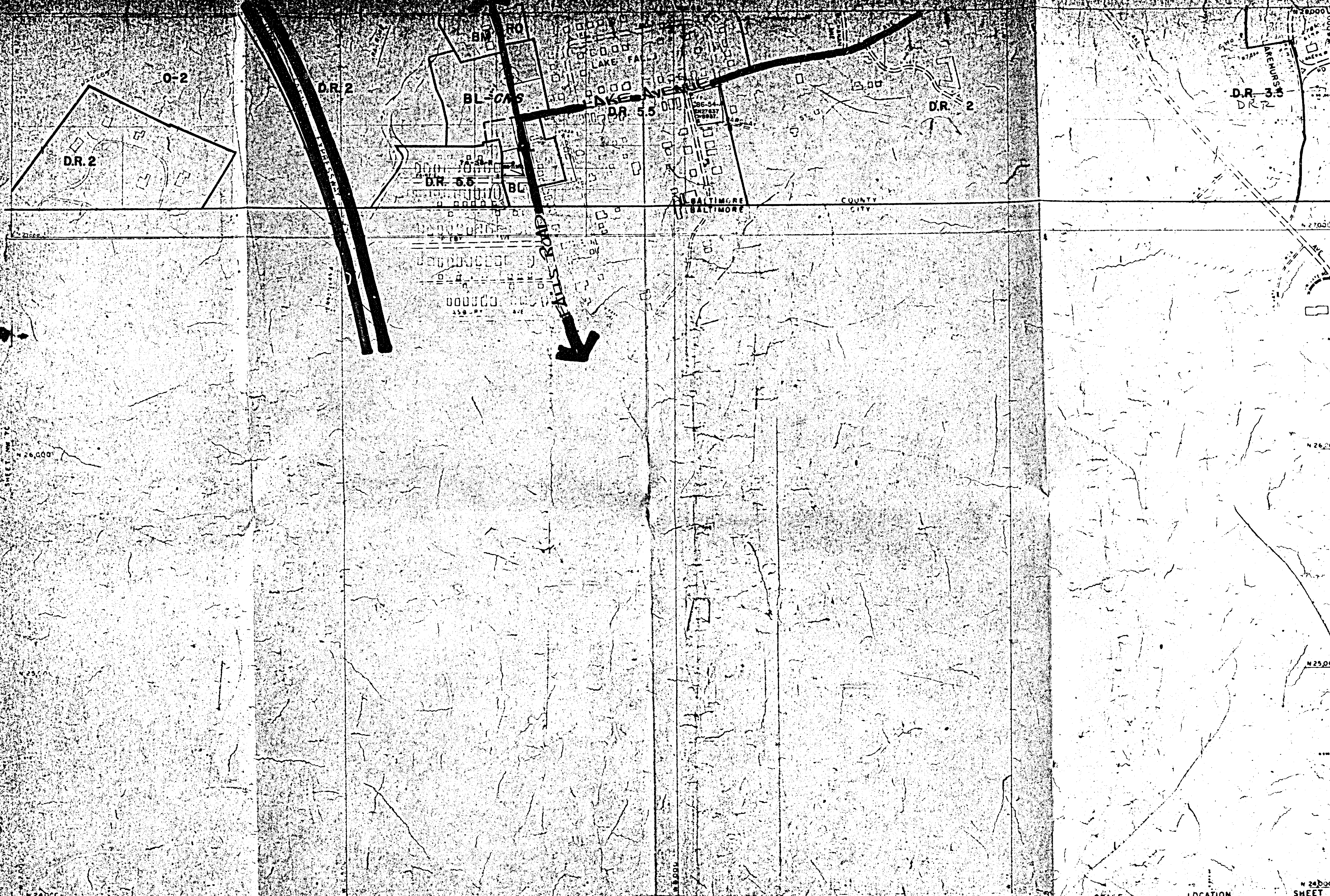
PETITIONER'S EXHIBIT 1
PETITIONER'S
EXHIBIT 1



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	LAKE ROLAND	NW.
DATE OF PHOTOGRAPHY	AREA	7-B
JANUARY 1986		



1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NOS. 133-84, 134-84, 135-84,
136-84, 137-84, 138-84 AND 139-84
[Signature]
CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION
BY	DATE	1" = 200'	LAKE ROLAND AREA
		DATE OF PHOTOGRAPHY APRIL 1983	SHEET NW 7B
Compiled By: Photogrammetric Methods AERO SERVICE CORPORATION, PHILADELPHIA, PA.			

NOTES:

1. ZONING:
EXISTING - PL-CNS
PROPOSED - (NO CHANGE)
2. LOT AREA: .485A (21,137 sq)
3. EXISTING USE: WAWA FOOD STORE
4. PROPOSED USE: (NO CHANGE)
5. BLDG. AREA: EXISTING 2162 sq, ADDITION 1196 sq
TOTAL = 3358 sq
6. BLDG. SETBACKS:

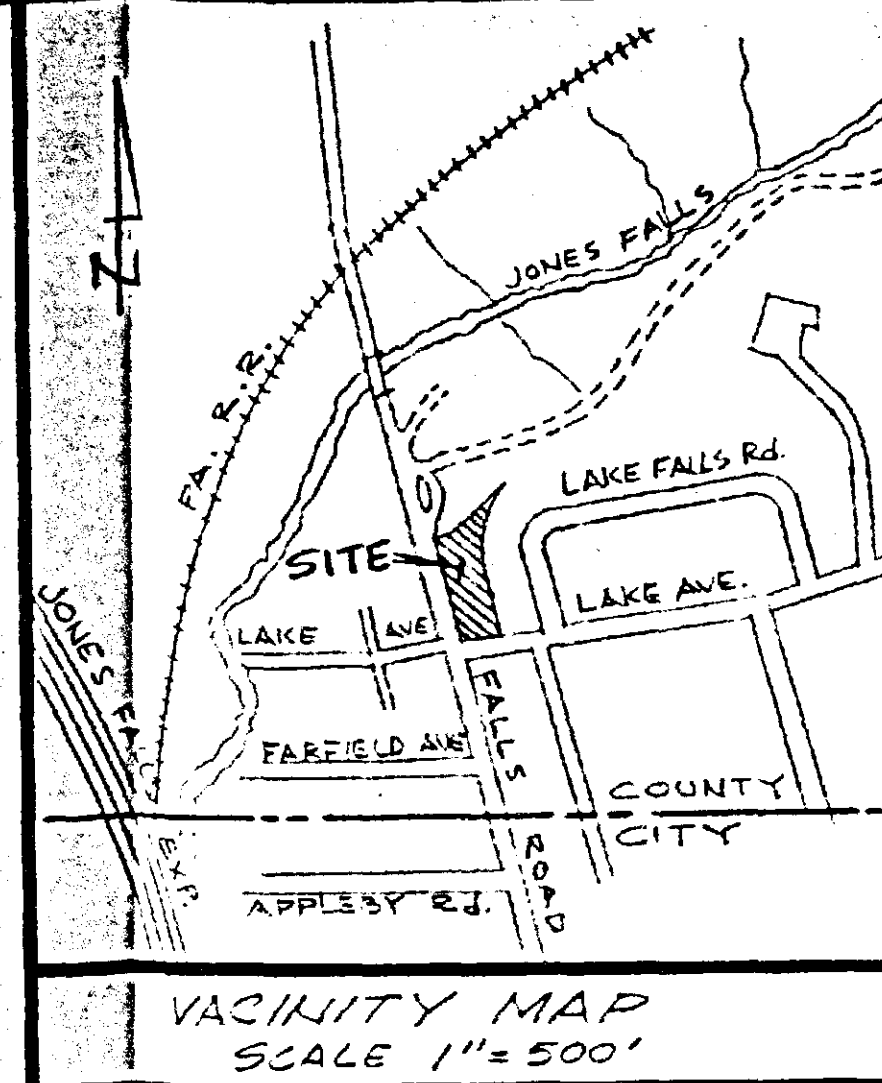
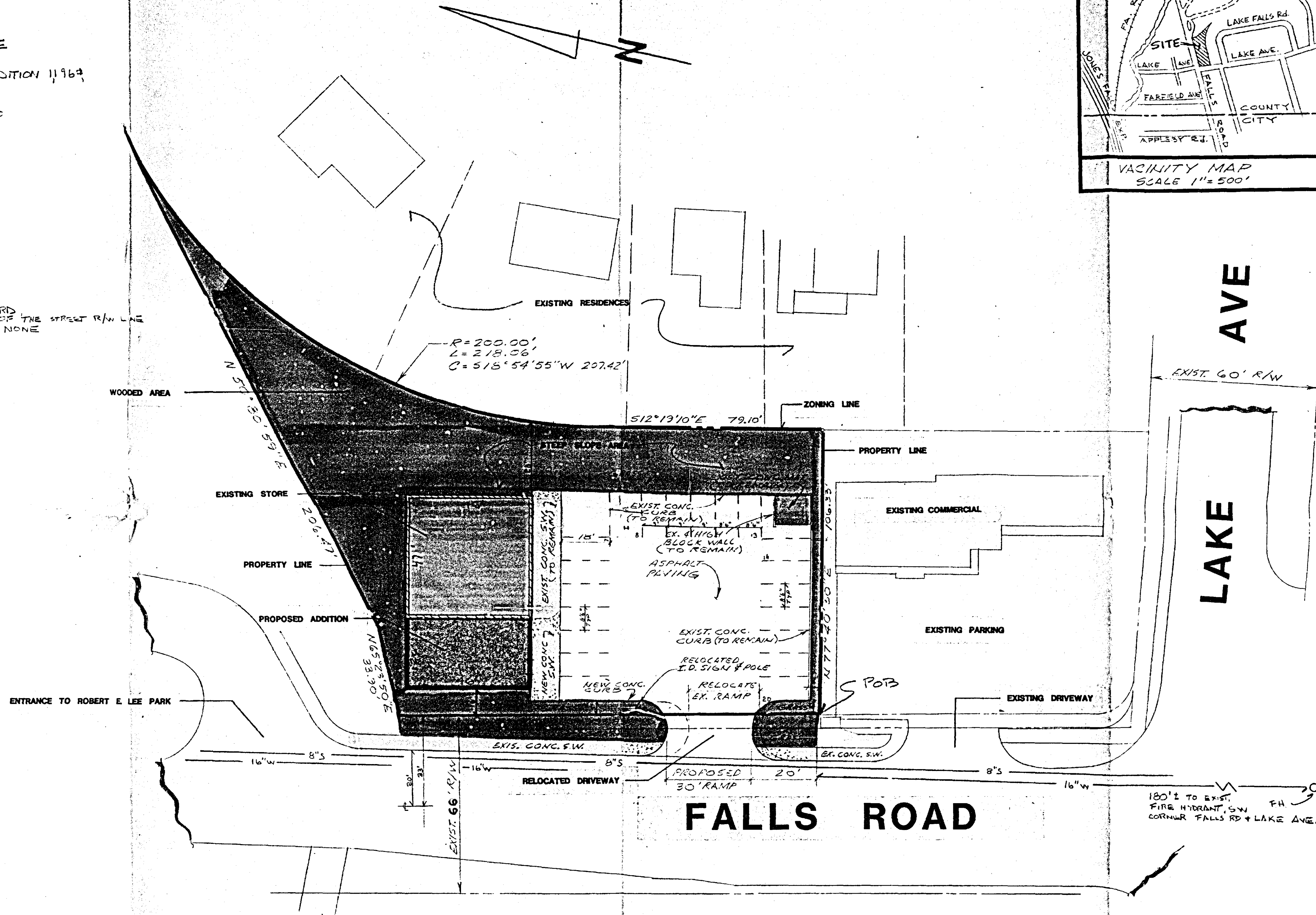
	REQUIRED	PROVIDED
FRONT	32'	10'
INTERIOR SIDE	10'	5'
REAR	20'	28'
STREET COR. SIDE	NA	NA

7. PARKING:
REQUIRED - 5/1000 sq = 17 SPACES

PROVIDED - 20 SPACES

8. UTILITIES:
SEWER - PUBLIC
WATER - PUBLIC
9. VARIANCES: FRONT + INTERIOR SIDE YARD
PARKING SPACES TO BE LOCATED WITHIN OF THE STREET R/W LINE
10. SPECIAL EXCEPTION/CONDITIONAL USE: NONE
11. ELECTION DISTRICT: 7TH
12. COUNCILMANIC DISTRICT: 4TH
13. DISSEMINATED AREA: 54
14. WATERMEL AREA: 23
15. CENSUS TRACT: 4705.01
16. OPEN SPACE:
EXISTING - 47.6% (10480 sq)
PROPOSED - 44.7% (9757 sq)

PETITIONERS EXHIBIT 4
PETITIONER'S EXHIBIT 4



VICINITY MAP
SCALE 1"=500'

PLAT TO ACCOMPANY VARIANCE APPLICATION

WAWA FOOD STORE
6083 FALLS ROAD
BALTIMORE COUNTY, MARYLAND

PREPARED BY:
WILLIAM P. MONK
LAND USE PLANNING AND ZONING CONSULTANT
LOYOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVENUE
SUITE 204A
TOWSON, MARYLAND 21204

PREPARED FOR:
WAWA, INC.
4117 JOPPA ROAD
BALTIMORE, MARYLAND 21236

SCALE: 1"=20'	DRAWN BY: WPM	DATE: 6-21-88	REV.:
------------------	------------------	------------------	-------